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8 TRUSTEES OF THE IBEW/NECA SOUND
9 AND COMMUNICATIONS HEALTH AND
10 WELFARE TRUST, IBEW NINTH
11 DISTRICT PENSION TRUST, NORTHERN
12 CALIFORNIA JOINT APPRENTICESHIP
13 AND TRAINING TRUST, NORTHERN
14 CALIFORNIA LABOR MANAGEMENT
15 COOPERATION TRUST, and THE
16 NATIONAL ELECTRICAL BENEFIT
17 TRUST; and DOUG LUNG AND GERALD
18 PFEIFFER, TRUSTEES OF THE
IBEW/NECA SOUND AND
COMMUNICATIONS HEALTH AND
WELFARE TRUST,

19 Plaintiffs,

20 v.

21 NETVERSANT SOLUTIONS II LP, a
22 Delaware partnership doing business in
California,

23 Defendant.

24 Case No. C-14-00611-RMW

25
26 **ORDER RE PLAINTIFFS' MOTION
FOR DEFAULT JUDGMENT**

27 On December 12, 2014 the court held a hearing in this case on plaintiffs' motion for default
28 judgment. Upon review of relevant civil enforcement statute, 29 U.S.C. § 1132(g)(2), it appears that
plaintiffs may not receive liquidated damages in excess of 20 percent of the amount of *unpaid*

1 contributions. See 29 U.S.C. § 1132(g)(2)(C)(ii) (a court shall award “liquidated damages provided
2 for under the plan in an amount not in excess of 20 percent . . . of the amount [of unpaid
3 contributions under § 1132(g)(2)(A)].”).

4 The court understands plaintiff’s requested liquidated damages to be equal to 10 percent of
5 all contributions which were paid late, rather than those which are currently unpaid. Accordingly,
6 the court requests that plaintiffs file within 10 days of this order a brief outlining the basis for their
7 requested liquidated damages award and explaining how plaintiffs’ request can be squared with the
8 language of 29 U.S.C. § 1132(g)(2)(C)(ii).

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10 Dated: December 12, 2014
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RONALD M. WHYTE
United States District Judge